Listing of Claims

This listing of claims will replace all prior versions, and listings, of claims in the application.

1.(currently amended) An isolated polynucleotide comprising a plant nucleotide sequence that alters transcription of an operatively linked nucleic acid segment in a plant cell after pathogen infection, which plant nucleotide sequence is from a gene encoding a polypeptide that is substantially similar to a polypeptide encoded by a gene comprising [[a]]the promoter sequence set forth in SEQ ID NO: 4794.~~selected from the group consisting of SEQ ID NOs: 1047, 1051, 1053, 4794, 4892, 5261, 5738 and 6469.~~

2.(currently amended) An isolated polynucleotide comprising a plant nucleotide sequence that alters transcription of an operatively linked nucleic acid segment in a plant cell after pathogen infection, which plant nucleotide sequence hybridizes under high stringency conditions to the complement of SEQ ID NO: 4794.~~any one of SEQ ID NOs:1047, 1051, 1053, 4794, 4892, 5261, 5738 or 6469.~~

3.(currently amended) The isolated polynucleotide of claim 2, which plant nucleotide sequence hybridizes under very high stringency conditions to the complement of SEQ ID NO: 4794.~~any one of SEQ ID NOs: 1047, 1051, 1053, 4794, 4892, 5261, 5738 or 6469.~~

4.(currently amended) The isolated polynucleotide of claim 1 or 2 which is SEQ ID NO: 4794 ~~selected from the group consisting of SEQ ID NOs: 1047, 1051, 1053, 4794, 4892, 5261, 5738, 6469~~, and a fragment thereof

5.(original) The polynucleotide of claim 1 or 2 wherein the plant nucleotide sequence is 25 to 2000 nucleotides in length.

6.(original) The polynucleotide of claim 1 or 2 wherein the plant nucleotide sequence is from a dicot.

7. (original) The polynucleotide of claim 1 or 2 wherein the plant nucleotide sequence is from a monocot.

8. (original) The polynucleotide of claim 1 or 2 wherein the plant nucleotide sequence is from a cereal plant.

9. (original) The polynucleotide of claim 1 or 2 wherein the plant nucleotide sequence is a maize, soybean, barley, alfalfa, sunflower, canola, soybean, cotton, peanut, sorghum, tobacco, sugarbeet, rice or wheat sequence.

10. (original) An expression cassette comprising the polynucleotide of claim 1 or 2 operatively linked to an open reading frame.

11. (original) A host cell comprising the expression cassette of claim 10.

12. (original) The host cell of claim 11 wherein the cell is a yeast, a plant cell, a bacterium, a cereal plant cell, or an *Arabidopsis* cell.

13. (original) The host cell of claim 11 which is a monocot cell.

14. (original) The host cell of claim 11 which is a dicot cell.

15. (original) A transformed plant, the genome of which is augmented with the expression cassette of claim 10.

16. (original) The transformed plant of claim 15 which is a dicot.

17. (original) The transformed plant of claim 15 which is a monocot.

18. (original) The transformed plant of claim 15 which is selected from the group consisting of maize, soybean, barley, alfalfa, sunflower, canola, soybean, cotton, peanut, sorghum, tobacco, sugarbeet, rice, wheat and *Arabidopsis*.

19. (currently amended) A method for augmenting a plant genome, comprising:

(a) contacting a plant cell with an expression cassette comprising a promoter from a gene encoding a polypeptide that is substantially similar to a polypeptide encoded by a gene comprising [[a]]the promoter sequence set forth in SEQ ID NO: 4794~~selected from the group consisting of SEQ ID NOs: 1047, 1051, 1053, 4794, 4892, 5261, 5738 and 6469~~ operatively linked to an open reading frame so as to yield a transformed plant cell; and

(b) regenerating the transformed plant cell to provide a differentiated transformed plant, wherein the differentiated transformed plant expresses the open reading frame in the cells of the plant.

20. (currently amended) A method to alter the phenotype of a plant cell comprising: introducing an expression cassette comprising a promoter from a gene encoding a polypeptide that is substantially similar to a polypeptide encoded by a gene comprising [[a]]the promoter sequence set forth in SEQ ID NO: 4794~~selected from the group consisting of SEQ ID NOs: 1047, 1051, 1053, 4794, 4892, 5261, 5738 and 6469~~ operatively linked to an open reading frame into the plant cell and expressing the open reading frame in the cell so as to alter a characteristic of that cell relative to a plant cell that does not comprise the expression cassette.

21. (original) The method of claim 19 or 20 wherein the plant cell is a dicot cell.

22. (original) The method of claim 19 or 20 wherein the plant is a monocot cell.

23. (original) The method of claim 19 or 20 wherein the plant cell a cereal cell.

24. (original) The method of claim 19 or 20 wherein the plant cell is selected from the group consisting of a maize, soybean, barley, alfalfa, sunflower, canola, soybean, cotton, peanut, sorghum, tobacco, sugarbeet, rice, wheat and *Arabidopsis* cell.

25. (original) The method of claim 19 or 20 wherein the open reading frame is in an antisense orientation relative to the nucleotide sequence which alters transcription.

26. (original) The method of claim 19 or 20 wherein the expression inhibits transcription or translation of endogenous plant nucleic acid sequences corresponding to the open reading frame.

27. (original) The method of claim 19 wherein the open reading frame is expressed in an amount that is greater than the amount in a plant which does not comprise the expression cassette.

28. (original) The method of claim 18 or 19 wherein the open reading frame encodes a protein.

29. (original) The method of claim 28 wherein the protein encodes a regulatory product.

30. (original) The method of claim 28 wherein the expression of the open reading frame confers insect resistance, bacterial resistance, fungal resistance, viral resistance, or nematode resistance.

31. (original) A transformed plant prepared by the method of claim 20 .

32. (original) A product of the plant of claim 31 which comprises the expression cassette or the gene product encoded by the open reading frame.

33. (original) The product of claim 32 which is selected from the group consisting of a seed, fruit, vegetable, transgenic plant, and a progeny plant.

34.-43(canceled)